



In the Matter of

Distribution of 1999, 2000 and 2001
Digital Audio Recording Funds

Docket No. 2002-6 CARP DD 99-01

LIBRARY
OF
CONGRESS

ORDER

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OFFICE

On October 21, 2002, the Library of Congress issued a precontroversy discovery scheduling Order in the above-captioned proceeding. Order in Docket No. 2002-6 CARP DD 99-01 (October 21, 2002). The Library announced that written direct cases—the essential evidentiary filing in every CARP proceeding—must be filed on or before January 15, 2003. The Library specified that “[e]ach party in this proceeding who has filed a Notice of Intent to Participate must file a written direct case on the date prescribed above. Failure to submit a timely filed written direct case will result in dismissal of that party’s claim.” Order at 3.

Copyright
Arbitration
Royalty
Panels

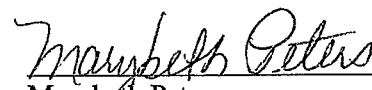
Alicia Carolyn Evelyn, who filed a Notice of Intent to Participate in CARP proceedings in this docket, failed to file a written direct case. On January 21, 2003, the Library contacted Ms. Evelyn by telephone and was informed that she would not be filing a written direct case and understood the consequences of her inaction. On that same day, the Library issued an Order directing Ms. Evelyn to show cause in writing by January 24, 2003, as to why her royalty claims in this proceeding should not be dismissed. Order in Docket No. 2002-6 CARP DD 99-01 (January 21, 2003). Ms. Evelyn did not respond to the Order.

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Washington
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Wherefore, **IT IS ORDERED** that the claims of Alicia Carolyn Evelyn for royalties in the above-captioned proceeding are **DISMISSED WITH PREJUDICE**. **IT IS FURTHER ORDERED** that the precontroversy discovery schedule in this proceeding **IS VACATED** and that further CARP proceedings **ARE TERMINATED**.


SO RECOMMENDED.

Telephone:
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Marybeth Peters
Register of Copyrights

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(202)252-3423

SO ORDERED.


Dr. James H. Billington
Librarian of Congress

DATED: January 31, 2003